



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,421	07/20/2001	Hamutal Yanay, Buchshrieber	20096.14	2649

26418 7590 11/29/2005

REED SMITH, LLP
ATTN: PATENT RECORDS DEPARTMENT
599 LEXINGTON AVENUE, 29TH FLOOR
NEW YORK, NY 10022-7650

EXAMINER

FISCETTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,421

Applicant(s)

YANAY, BUCHSHRIEBER ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 3, 5, 6, 7, 17, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. 516.

Johnson et al. '516 disclose a) generating a database containing data relevant to the Provider (database 36);b) updating said database so as to keep said data on the Provider up-to-date (col. 15 lines 40-42 inventory record adjusted synchronously with each purchase); c) when a call is received from a customer, identifying the requirements of the customer (Order header data screen 100);d) identifying the nature of the request of the customer for a Provider (Order header data screen has function keys F6, F9 and F10 which by the nature of the request direct the inquiry to various programs);e) searching said database for a Provider who fits best the requirements of the customer (executing search program 50); and f) when such best fit Provider is found, generating a voice and/or data communication between said customer and said provider (order list 48).

Re claim 2 the requirements of the customer include his geographic location as seen in Appendix I see address line.

Re claims 3, 5 and 6: the data of the provider is availability status (see col. 17, lines 63).

Re claims 7: the updating of the database is initiated by the Providers is answered by (col. 15 lines 40-42 inventory record adjusted synchronously with each purchase) and polling is read as the receiving the order which effects the outcome of the inventory count.

Re claim 17: provider is house services providers is read as appendix III in oven sales.

Re claim 19: provider uses a phone lines as evidenced by:

For this purpose, each local computer is connected to host computer 210 via a phone/dataline and either a gateway or a minicomputer acting as a local host.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of McDonough et al.

Johnson et al. obviously teach the invention as set forth above re claims 1,2,3,5,6,7,17, but fail to teach using multiple location based inventory sources, however, McDonough

et al does. It would be obvious to use the rule based routing system i.e. using location systems of the communication network from which the call of the customer is placed, in Johnson et al. because the motivation for it would be the reduction of system elements. The use of phone lines to communicate with voice or data is notoriously old.

Re claim 18, as set forth above Johnson et al disclose :a) a database containing data relevant to the Provider; b) communication lines and means for updating said database so as to keep said data on the Provider up-to-date; d) personnel or apparatus for identifying the nature of the request of the customer for a Provider; e) searching software for searching said database for a Provider who fits best the requirements of the customer. However, Johnson et al. do not disclose c) location apparatus for identifying the geographical location of the customer calling the system; and i) dialing and switching means for generating a voice communication between said customer and said provider.

McDonough et al do disclose c) location apparatus for identifying the geographical location of the customer calling the system (caller id in the CTI server 370) and f) dialing and switching means for generating a voice communication between said customer and said provider telephony processing components 360, 370, 380. It would be obvious to modify Johnson to include these features because the motivation would be for the reduction of system element

s.

REPLY:

Applicant's arguments filed 4/2/04 have been fully considered but they are not persuasive. Applicant argues that Johnson et al. disclose a system/method for maintaining a catalog database of items that might be requisitioned by a user, and Johnson specifically indicates that the method and system provides a user with the capability of searching a database for available items. Before that, Applicant states that Johnson does "not describe a method or system for finding a service provider that fits best to the requirements of a customer at a given time".

However, these two observations are only distinguished by Johnson's finding of a product and the applicant's finding of a service. This distinction is not seen as valid because the claims only recite a "provider" and not "service provider". Even still, that would not be a distinction because the elements of the claim are not specific enough to call out for steps particularly suited for the implementation of only service items; rather these steps are written so broadly as to encompass the finding of both service and product items. Applicant arguments seems to suggest that all the work in Johnson et al. for finding the desired items is done by the user. This is not true. In Johnson et al. a user only enters the description of the item he desires to have, and the database using a means for searching the database, matches that information and selects for the user those items it deems pertinent and then presents them to the user in the same way that applicant's method "finds" the service sought.

Second, Applicant argues that the updating done in his method differs from that accomplished in Johnson et al. Again, the claims only call for the keeping the data on the provider up to data. This is clearly answered by the disclosure I Johnson et al. col. 15 lines 40-44 wherein the inventory of a provided in adjusted e.g. updated. Data on a provider clearly includes its inventory.

Finally, Applicant maintains that Johnson does not disclose generating a data communication between customer and provider when such best fit is found. However, the Examiner sees it another way. First, when the database using a means for searching the database, matches that information and selects for the user those items it deems pertinent it then presents them to the user. However Johnson et al. clearly states otherwise:

One or more of these may be copied from server 220 when needed. Work-in-progress requisitions 260 are established for each customer and are attached to graphic user interface 254. Server 200 maintains complete requisitions 242, in a manner similar to the manner in which local computer 20 maintains requisition databases 42 in the embodiment shown in FIG. 1A.

(78) Normally, in such an environment, the CSR creates Order lists for customers by entering Distributor catalog numbers into graphic user interface 254 and connecting to the Distributor mainframe 210 for price and availability. For this purpose, each local computer is connected to host computer 210 via a phone/dataline and either a gateway or a minicomputer acting as a local host. When a customer asks for products by manufacturer part number or a competitor's catalog number,

Art Unit: 3627

the CSR has access to cross-reference files, as earlier described, either maintained on the local host or maintained on the Distributor host computer 210.

Regarding the McDonough reference, applicant alleges that a telephone number cannot serve as a means for determining the location of a caller. Applicant takes exception to this allegation as well. Every phone number also includes an area code and exchange which can not only show state/country of origin, but also county. Thus caller ID of MCDonough is deemed to meet that limitation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

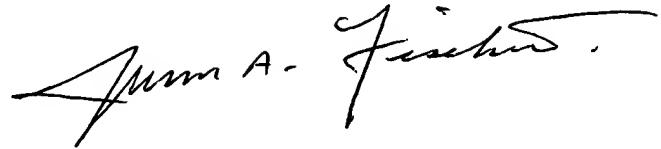
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3627

Any inquiry concerning this communication should be directed to Joseph A.

Fischetti at telephone number ~~(703) 305-0731~~.

571 272 6780

A handwritten signature in black ink, appearing to read "Joseph A. Fischetti". The signature is fluid and cursive, with a long horizontal stroke at the end.

**JOSEPH A. FISCHETTI
PRIMARY EXAMINER**